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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,039	08/03/2001	Hiroshi Usuda	SONYJP-126	3628

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EXAMINER

HILLERY, NATHAN

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/856,039	Applicant(s) USUDA, HIROSHI	
	Examiner Nathan Hillery	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-83, 89-98, 104-113, 119, 120, 125, 126, 131 and 132 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-83, 89-98, 104-113, 119, 120, 125, 126, 131 and 132 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE filed on 1/20/06.
2. Claims 74 - 83, 89 - 98, 104 - 113, 119, 120, 125, 126, 131 and 132 are pending in the case. Claims 74, 89, and 104 are independent.
3. The rejection of claims 74 - 83, 89 - 98, 104 - 113, 119, 120, 125, 126, 131 and 132 under 35 U.S.C. 103(a) as being unpatentable has been updated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 74 - 83, 89 - 98, 104 - 113, 120, 126 and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. (US 6477549 B1) and in further view of Wang (US 6675385 B1).

6. **Regarding independent claim 74:**

a. Hishida et al. teach *a device specification information storage unit for storing a plurality of pieces of device specification information* (Column 2, lines 45 – 47), compare with **storing output display attributes of a connected display device**.

b. Hishida et al. teach that *the transmission documents may be transmitted from broadcasting stations as broadcast waves* (Column 20, lines 16 and 17), which provides for **receiving digital broadcast signals**.

c. Hishida et al. teach that *the transmission document creation unit 208 writes SSs 603 and 604 for the devices described in the device input/output information table 401 that has been received from the input/output information obtaining unit 209. When notified of the type of device "Pager" in the device column 402 of the input/output information table 401, the transmission document creation unit 208 writes "Pager" between the quotation marks in a tag 605 <DEVICEtype=">". Then, a tag 606 <OUTPUT> is written. When notified of the items in the output information column 403, the transmission document creation unit 208 writes the items. Then, a tag 607 </OUTPUT> that represents the end of output information is written* (Column 10, lines 51 – 63), compare with **obtaining at least one style sheet via a distribution channel, the at least one obtained style sheet including format information used to set the display format of images to be displayed by a given display device as illustrated in Figure 6.**

d. Hishida et al. teach that *according to the present embodiment, the style sheet for a mobile communication terminal that has received a transmission document is extracted from a plurality of style sheets, in each of which the input/output information for one type of mobile communication terminal such as pagers is described, attached to the received transmission document. As a result, it is possible to process the received document according to the type of the mobile communication terminal that receives the received document* (Column 18, lines 21 – 29), compare with **selecting a particular style sheet from at**

least one obtained style sheet based on the stored output display attributes and the decoded content attributes such that images that are displayed by the connected display device are of a particularly suitable format for the connected display device.

e. Hishida et al. do teach that a tag 304 *<BODYSTYLE = "font:normal">* represents the beginning of the content of an HTML document, and shows that a normal font is used in the HTML document (Column 9, lines 19 – 21) and that when receiving the transmission document creation instruction, the transmission document creation unit 208 writes a tag 601 *<HTML>* that represents the beginning of an HTML document and a tag 602 *<HEAD>* that represents the beginning of attached information such as a "Style Sheet" (Column 10, lines 45 – 49), compare with **processing the content data using the style sheet for display by the connected display device.**

f. Hishida et al. do not explicitly teach **decoding the digital broadcast signals into AV data that includes visual and audio information and into supplementary data that includes content data having content attributes.**

g. Further, Wang teaches that *multiplexed video and audio data streams 58A correspond to a plurality of multiplexed digital television channels including the video and audio programming for channel 3* (Column 7, lines 34 – 37) and that *in operation, MPEG-2 decoder 50 separates the digital data of the MPEG-2 channel 48. According to the viewer selection, channel 3 video and audio 56 is reconstructed from digital form and displayed on an analog television display 34*

(Column 7, lines 50 – 54), compare with **decoding the received digital broadcast signals into AV data that includes visual and audio information and into supplementary data that includes content data having content attributes.**

h. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Hishida et al. with that of Wang because such a combination would provide the users of Hishida et al. with *an electronic program guide embodied in a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream* (Column 2, lines 9 – 12).

7. **Regarding dependent claims 75 and 76**, Hishida et al. teach that *while the HTML is used as a markup language in the above-described embodiments, such a markup language is not necessarily limited to the HTML. For instance, the XML (Extensible Markup Language) may be used in describing transmission documents* (Column 20, lines 10 – 14), compare with **said content data is written in a computer language format that includes arbitrarily definable tags, and that said computer language format includes extended markup language (XML) tags.**

8. **Regarding dependent claim 77**, Hishida et al. teach that a tag *304 <BODYSTYLE="font:normal"> represents the beginning of the content of an HTML document, and shows that a normal font is used in the HTML document* (Column 9, lines 19 – 21), compare with **said content data includes data selected from the group consisting of text data, still picture data, animation data, and voice data.**

9. **Regarding dependent claims 78 and 79**, Hishida et al. teach that *when the display data 1301 shown in FIG. 13 is displayed on the display 214 and when a signal that the "select button" on a pager 107 is pressed is transmitted from the input information conversion unit 212, the simulation operation execution unit 213 obtains the "onclick information" that has been stored, and changes the type of the font of the display data 1301 into italic according to the program of the script 309 described on the document body 612 in the transmission document 615. As a result, display data 1501 shown in FIG. 15 is displayed on the display 214 (Column 15, lines 14 – 23), compare with the selected style sheets include scripts that define the format information as a function of the stored display attributes, and that the stored display attributes are selected from the group consisting of a device display type, a device resolution, a device manufacturer's name, and a device model name.*

10. **Regarding dependent claim 80**, Hishida et al. teach that *according to the present embodiment, the style sheet for a mobile communication terminal that has received a transmission document is extracted from a plurality of style sheets, in each of which the input/output information for one type of mobile communication terminal such as pagers is described, attached to the received transmission document. As a result, it is possible to process the received document according to the type of the mobile communication terminal that receives the received document (Column 18, lines 21 – 29), compare with obtaining a plurality of style sheets, and selecting at least one of the plurality of style sheets.*

11. **Regarding dependent claims 81 and 82**, Hishida et al. teach that *transmitted via public networks in the above-described embodiments, the transmission documents may be transmitted from broadcasting stations as broadcast waves* (Column 20, lines 15 – 17), compare with **said distribution channel is a network and obtaining said at least one style sheet from the digital broadcast signals**, and for **obtaining the at least one style sheet via the network**.

12. **Regarding dependent claim 83**, Hishida et al. teach that *the present invention may be realized by recording a program that achieves the functions of each element in these devices on a computer-readable storage medium* (Column 20, lines 23 – 25), compare with **said distribution channel is a portable recording medium and obtaining the at least one style sheet from the portable recording medium**.

13. **Regarding claims 89 – 98**, the claims incorporate substantially similar subject matter as claims 74 – 83, and are rejected along the same rationale.

14. **Regarding claims 104 – 113**, the claims incorporate substantially similar subject matter as claims 74 – 83, and are rejected along the same rationale.

15.

16. **Regarding dependent claim 120**, Hishida et al. do not explicitly teach **the content data includes a data module that is periodically repeated in the content data**. Wang teaches that *on each of the broadcast channels, 38, 38N, the same content is repeated in each video channel 48, 48N. On individual simulcast channels 40, 40N different content is broadcast for each respective video channel 48, 48N* (Column 5, lines 20 – 23), compare with **the content data includes a data module that is**

periodically repeated in the content data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Hishida et al. with that of Wang because such a combination would provide the users of Hishida et al. with *an electronic program guide embodied in a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream* (Column 2, lines 9 – 12).

17. **Regarding dependent claims 126 and 132**, the claims incorporate substantially similar subject matter as claim 120, and are rejected along the same rationale.

18. Claims 119, 125 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. (US 6477549 B1) and Wang (US 6675385 B1) as applied to claims 74, 89 and 104 above, and further in view of Yogeshwar et al. (US 6026232 A).

19. **Regarding dependent claim 119**, neither Hishida et al. nor Wang explicitly teach **combining the visual and audio information and the processed content data for output by the display device**. However, Yogeshwar et al. teach that *Accordingly, not only is the invention related to the encoding of the audio and visual data but is also related to a process and system for combining encoded, audio, video, and sub-picture data into a data stream, the digital storage medium and data structures thereon which store the formatted audio, video, and sub-picture information, and is also related to a decoding process and a decoder which separates and reconstructs the audio, video, and sub-picture information for display to a user or consumer* (Column 53, line 60 –

Column 54, line 1), compare with **combining the visual and audio information and the processed content data for output by the display device**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Hishida et al. and Wang with that of Yogeshwar et al. because such a combination would provide the users of Hishida et al. and Yang with the benefit of *a video encoding system which allows a section of encoded video to be replaced by another section of encoded video so that no errors or video decoding artifacts are visible in the encoded video* (Column 2, lines 6 – 10).

20. **Regarding dependent claims 125 and 131**, the claims incorporate substantially similar subject matter as claim 119, and are rejected along the same rationale.

Response to Arguments

21. Applicant's arguments filed 11/18/05 have been fully considered but they are not persuasive.

22. In response to applicant's argument that *a person of ordinary skill in the relevant art would not find any suggestion or motivation to modify the teachings of Hishida using a reference that fails to address the [problem?] solved by Hishida* (p 11, lines 27 – 30), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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23. In response to Applicant's arguments that Hishida does not disclose or suggest **selecting a particular style sheet from at least one obtained style sheet based on the stored output display attributes and the decoded content attributes such that images that are displayed by the connected display device are of a particularly suitable format for the connected display device** (p 12), it should be noted that contrary to Applicant's argument (p 12, lines 7 – 9), the device tag of Hishida does contain output display attributes as evidenced by applicant's dependent claim 79, which states that **the stored display attributes are selected from the group consisting of a device display type, a device resolution, a device manufacturer's name, and a device model name**, since by Applicant's own admission *the device tag merely identifies a particular device* (p12, lines 14 & 15).

24. In response to applicant's argument(s) regarding claim 119 (p 13, first full paragraph), it should be noted that the argument(s) have been rendered moot since a new ground of rejection and art has been applied against the claim as outlined above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Doug Hutton
Primary Examiner
Art Unit 2176

NH